

(v) shall be implemented in a manner consistent with section 102A of the National Security Act of 1947 [50 U.S.C. 403–1].

(b) This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

SEC. 8. *Amendments and Revocation.* (a) [Amended Ex. Ord. No. 13311, set out as a note under section 482 of this title.]

(b) Executive Order 13356 of August 27, 2004 [formerly set out above], is hereby revoked.

GEORGE W. BUSH.

§ 486. Limitation of liability

A person who has completed a security awareness training course approved by or operated under a cooperative agreement with the Department of Homeland Security using funds made available in fiscal year 2006 and thereafter or in any prior appropriations Acts, who is enrolled in a program recognized or acknowledged by an Information Sharing and Analysis Center, and who reports a situation, activity or incident pursuant to that program to an appropriate authority, shall not be liable for damages in any action brought in a Federal or State court which result from any act or omission unless such person is guilty of gross negligence or willful misconduct. (Pub. L. 109–90, title V, § 541, Oct. 18, 2005, 119 Stat. 2089.)

CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2006, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

SUBCHAPTER IX—NATIONAL HOMELAND SECURITY COUNCIL

§ 491. National Homeland Security Council

There is established within the Executive Office of the President a council to be known as the “Homeland Security Council” (in this subchapter referred to as the “Council”).

(Pub. L. 107–296, title IX, § 901, Nov. 25, 2002, 116 Stat. 2258.)

§ 492. Function

The function of the Council shall be to advise the President on homeland security matters.

(Pub. L. 107–296, title IX, § 902, Nov. 25, 2002, 116 Stat. 2258.)

§ 493. Membership

(a) Members

The members of the Council shall be the following:

- (1) The President.
- (2) The Vice President.
- (3) The Secretary of Homeland Security.
- (4) The Attorney General.
- (5) The Secretary of Defense.
- (6) Such other individuals as may be designated by the President.

(b) Attendance of Chairman of Joint Chiefs of Staff at meetings

The Chairman of the Joint Chiefs of Staff (or, in the absence of the Chairman, the Vice Chair-

man of the Joint Chiefs of Staff) may, in the role of the Chairman of the Joint Chiefs of Staff as principal military adviser to the Council and subject to the direction of the President, attend and participate in meetings of the Council.

(Pub. L. 107–296, title IX, § 903, Nov. 25, 2002, 116 Stat. 2258; Pub. L. 109–163, div. A, title IX, § 908(b), Jan. 6, 2006, 119 Stat. 3404.)

AMENDMENTS

2006—Pub. L. 109–163 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 494. Other functions and activities

For the purpose of more effectively coordinating the policies and functions of the United States Government relating to homeland security, the Council shall—

- (1) assess the objectives, commitments, and risks of the United States in the interest of homeland security and to¹ make resulting recommendations to the President;
- (2) oversee and review homeland security policies of the Federal Government and to¹ make resulting recommendations to the President; and
- (3) perform such other functions as the President may direct.

(Pub. L. 107–296, title IX, § 904, Nov. 25, 2002, 116 Stat. 2259.)

§ 495. Staff composition

The Council shall have a staff, the head of which shall be a civilian Executive Secretary, who shall be appointed by the President. The President is authorized to fix the pay of the Executive Secretary at a rate not to exceed the rate of pay payable to the Executive Secretary of the National Security Council.

(Pub. L. 107–296, title IX, § 905, Nov. 25, 2002, 116 Stat. 2259.)

§ 496. Relation to the National Security Council

The President may convene joint meetings of the Homeland Security Council and the National Security Council with participation by members of either Council or as the President may otherwise direct.

(Pub. L. 107–296, title IX, § 906, Nov. 25, 2002, 116 Stat. 2259.)

SUBCHAPTER X—CONSTRUCTION

§ 511. Information security responsibilities of certain agencies

(1) National security responsibilities

(A) Nothing in this chapter (including any amendment made by this chapter) shall supersede any authority of the Secretary of Defense, the Director of Central Intelligence, or other agency head, as authorized by law and as directed by the President, with regard to the operation, control, or management of national security systems, as defined by section 3532(3)¹ of title 44.

¹ So in original. The word “to” probably should not appear.

¹ So in original. Probably should be section “3532(b)(2)”.